



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/562,774

12/29/2005

Ali Beytollahi

1717180

7971

24240 7590 05/14/2008

CHAPMAN AND CUTLER  
111 WEST MONROE STREET  
CHICAGO, IL 60603

EXAMINER

TANNER, JOCELYN C

ART UNIT

PAPER NUMBER

4133

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,774	<b>Applicant(s)</b> BEYTOLLAHI, ALI	
	<b>Examiner</b> JOCELIN C. TANNER	<b>Art Unit</b> 4133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/29/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is in response to the application filed on December 29, 2005 in which claims 1-20 are presented for examination.

#### ***Status of Claims***

Claims 1-20 are pending, of which 1 is in independent form. Claims 1-20 are rejected under 35 U.S.C. 103(a).

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on December 29, 2005 was filed on the mailing date of the patent application on December 29, 2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-6, 11-12, 15-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messinger et al (US Patent No. 5,105,541) in view of Heintke et al (US Patent No. 5,611,804).

2. Regarding independent claim 1, Messinger et al or "Messinger" herein, discloses a shaving and hair trimming apparatus or "epilation device" (FIG. , element #1), having an epilation head including a trimmer blade for shortening long hair or "longhair cutter" (FIG. 1, element #5) arranged next to the upper and lower cutter of a shaver assembly for cutting short hair or "epilation head", (FIG. 3, element #4) and a spacer comb or "protective comb" (FIG. 1, element #8) that is capable of being put on and off the epilation head (column 4, lines 18-23) is provided to cover the cutting blades of the long-hair cutter (column 3, lines 26-28). However, Messinger fails to disclose clamping means for clamping and plucking hairs.

Heintke et al or "Heintke" teaches an appliance including a long-hair trimmer attachment and an epilating cylinder attachment. The epilating cylinder attachment includes means for clamping and plucking hairs through the use of actuating rods, wherein the rotating shaft displaces the actuating rods containing clamping members against springs resulting in the engagement of body hairs between disks and clamping members and firmly gripping and plucking the hairs.

Because the devices of Messinger and Heintke teach known elements, i.e. hair removal appliances, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the lower cutter of the

Art Unit: 4133

shaver assembly of Messinger with the epilating cylinder of Heintke for the predictable result of clamping and plucking hairs.

3. Regarding claim 2, Messinger discloses a trimmer blade or “longhair cutter” (FIG. 1, element #5) that is extensible from an out-of-operation position into an operation position (column 1, lines 49-52 and column 4, lines 1-9), wherein the trimmer blade is out-of operation or OFF when the distance between the trimmer blade and spacer comb is at its maximum and in operation mode or ON when the distance between the tip of the spacer comb and the trimmer blade is at its minimum.

4. Regarding claims 3 and 12, Messinger discloses a trimmer blade or “longhair cutter” (FIG. 1, element #5) that is designed to be height adjustable for the adjustment of the cutting length (column 4, lines 9-10), wherein the control means (FIG. 2, element #10) provides a settings for desired cutting lengths.

5. Regarding claims 5, 15 and 16, the combination of Messinger and Heintke discloses all of the limitations previously discussed. Heintke further teaches an electric motor coupled to a driving gear rotary within the casing through a gear arrangement, wherein a spindle (31) that rotates about the longitudinal axis of the device is coupled to the pinion (30) is driven by the drive motor and converts the rotary motion of the pinion into oscillating motion of the long-hair trimmer (22).

Art Unit: 4133

The other end of the spindle is rotated by the crown gear that is connected to a driver or driving gear (4) (FIG. 3, column 5, lines 27-29).

Because the devices of Messinger and Heintke teach known elements, i.e. hair removal appliances, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the electric motor assembly of Messinger with the gear arrangement of Heintke for the predictable result of executing a linear and oscillating motion.

6. Regarding claim 6, the combination of Messinger and Heintke discloses all of the limitations. Heintke also teaches a groove parallel to the longitudinal axis (34) with an engaging means or driver pin (33) eccentrically connected to the pinion (30). Please see figure 3.

7. Regarding claims 10 and 20, the combination of Messinger and Heintke discloses all of the limitations. Messinger discloses an upper cutter or "shearing head" (column 3, lines 19-21) that is detachable by a snapping engagement.

8. Regarding claim 11, the combination of Messinger and Heintke discloses all of the limitations. Heintke teaches a spherically shaped driving gear or "driver" (FIG. 3, element #4) wherein the gear is spherical in shape.

9. Claim 7, 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messinger et al (US Patent No. 5,105,541), in view of Heintke

Art Unit: 4133

et al (US Patent No. 5,611,804) further in view of Iwasaki et al (US Patent No. 5,356,415).

Regarding claim 7, the combination of Messinger and Heintke discloses all of the limitations previously discussed in claim 5. Heintke further teaches a pinion cooperating with the coupling member of a rocker and coupled to the drive motor. Heintke also teaches a pinion (34) that works with the crown gear (24) and driving gear (4) that is connected to the electric motor (FIG. 3, column 4, lines 64-67). However, the combination of Messinger and Heintke fail to disclose a single-stage gear.

Iwasaki et al teach a motor that is operatively connected to a motor or drive motor (70) by a reduction gear train (FIG. 2, column 7, lines 12-13)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the gear arrangement of the epilation device, of the combination of Messinger and Heintke, with the reduction gear train of Iwasaki, to reduce operation noise and minimize power requirement.

10. Regarding claim 8, the combination of Messinger, Heintke and Iwasaki discloses all of the limitations. Iwasaki further teaches a motor coupled to a reduction gear (column 7, lines 13-14) to provide rotation to the plucking assembly.

11. Regarding claim 9, the combination of Messinger, Heintke and Iwasaki discloses all of the limitations. Iwasaki further teaches a reduction gear for the

Art Unit: 4133

epilation cylinder with multiple gears that can convert the rotational speed suitable for its use, thus enabling the epilation cylinder to be used at a higher reduction gear than the long-hair cutter.

12. Claims 4, 13, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messinger et al (US Patent No. 5,105,541), in view of Heintke et al (US Patent No. 5,611,804) further in view of Demeester (US Patent No. 5,108,409).

Regarding claims 4, 13 and 14, the combination of Messinger and Heintke discloses all of the limitations previously discussed except for a resiliently floating long-hair cutter.

Demeester teaches a depilating device in which the depilator head is mounted floatingly in the housing by the connection of leaf springs, thus providing dual movement.

Because the devices of Messinger, Heintke and Demeester teach known devices, i.e. hair removal appliances, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have improved the housing of the trimmer blade of the combination of Messinger and Heintke by providing a depilator head mounted floatingly in the housing by connection of leaf springs, as taught by Demeester, for the predictable result of providing dual movement of the long-hair trimmer.



Art Unit: 4133

13. Regarding claim 17, the combination of Messinger, Heintke and Demeester discloses all of the limitations. Heintke further teaches an electric motor coupled to a driving gear rotary within the casing through a gear arrangement, wherein a spindle (31) that rotates about the longitudinal axis of the device is coupled to the pinion (30) is driven by the drive motor and converts the rotary motion of the pinion into oscillating motion of the long-hair trimmer (22). The other end of the spindle is rotated by the crown gear that is connected to a driver or driving gear (4) (FIG. 3, column 5, lines 27-29).

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Naimer (US Patent No. 4,408,392), Takeuchi et al (US Patent No. 6,004,331) and Poran (US Patent No. 6,277,129) are related to hair removal devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOCELIN C. TANNER whose telephone number is (571)270-5202. The examiner can normally be reached on Monday through Thursday between 9am and 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on 571-272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jocelin C. Tanner/  
Examiner, Art Unit 4133

5/01/2008  
/Frantz Coby/  
Supervisory Patent Examiner  
Art Unit 4133